

REMARKS

Reconsideration of this application, as amended, is respectfully requested. By this Amendment, claims 1 and 3 have been amended to more particularly point out and distinctly claim the subject invention. In addition, the final feature of former claim 1 has been deleted. Claims 1-3 remain in this case.

In the initial Office Action, claims 1-3 were rejected under 35 U.S.C. 112, first paragraph as allegedly failing to comply with the enablement requirement. In particular, the features of the last two paragraphs of former claim 1 were indicated as not being properly described in the specification.

This rejection, to the extent that it is deemed applicable to the claims as now presented, is respectfully but most strenuously traversed for the following reasons.

The penultimate recitation of former claim 1 has been amended to more clearly indicate that the priority valve is physically associated with the module. This Amendment is believed to clarify any ambiguity in the original recitation.

The use of a priority valve is quite well known by those skilled in this art (see, for example, applied U.S. Patent 5,471,908) and corresponds to a flow divider which shares the flow between several hydraulic consuming elements. In the present invention, the priority valve is integral with the single module of control valves and gives priority to the steering function, i.e. the steering function is always fed in priority. This operation would be evident to those skilled in the relevant art.

The final paragraph of former claim 1 has been deleted from the amended claim and, therefore, this rejection is believed to be moot with regard to that recitation.

For the above reasons, the Examiner is respectfully requested to reconsider and withdraw this rejection.

In claim 3, line 2, "the" has been inserted before "directional control valves", as kindly suggested by the Examiner. Accordingly, the objection to claim 3 is believed overcome.

Claims 1-3 also stand rejected under 35 U.S.C. 103(a) as allegedly obvious over Lech (U.S. Patent 5,471,908) in view of Johnson et al. (U.S. Patent 5,138,756). This rejection is respectfully, but most strenuously traversed.

The engineering construction machine according to the invention is a multi purpose one, that is a machine combining two working assemblies.

The first assembly located at the front of the vehicle is intended for loading operations. The second assembly is located at the rear of the machine, and is used for excavation operation, and is generally named a "backhoe".

On this well known kind of machine, the movement of the different parts of each assembly is controlled by sets of directional control valves.

Whereas prior art machines include two sets of control valves dedicated respectively each to one assembly, the invention combines all those control valves in a single set located at the rear part of the vehicle.

This single location provides important advantages in term of space required, because this single set of control valves is oriented transversally, which permits an important free volume in front of the vehicle.

This combined location cannot be considered as obvious to one skilled in the art, because it leads to a very important module which has to be mechanically more rigid to avoid deformations. In other words, those skilled in the art would be dissuaded from merging the two existing sets, because they would fear to obtain a too long module.

As far as the prior art references are concerned, the document U.S. 5,471,908 discloses a multi purpose machine having two sets of control valves located each in the vicinity of the articulated arm they control. Contrary to the invention, those control valves are not located in a single module and location.

As far as U.S. 5,138,756 is concerned, this document only discloses a special improvement to the configuration of the control valves dedicated to the backhoe element. More precisely the control valves disclosed in this document can be connected in different ways, depending on the movements of the control levers actuated by the driver.

Indeed, depending on some standards, the valves may be mounted in different patterns.

In a so called "plus" (+) pattern, the valves are controlled by a front or lateral movement of the levers, whereas in the "cross" (x) pattern, the movement of the valves need the combination of two levers' movements.

The device disclosed in U.S. 5,138,756 allows a quick configuration of the control valves (7) with respect to the defined pattern.


It is very important to note that the control valves defined in this document are only related to the "backhoe" assembly, and nothing is disclosed regarding the control valves of the loader assembly, if such exists. Accordingly, this document cannot be understood as disclosing the single location of the control valves dedicated to the "backhoe" or shovel assembly and to the loader assembly.

Taken together, the teachings of the two applied references would, thus, not produce the invention as defined by independent claim 1. The dependent claims are allowable for the same reasons as independent claim 1 from which they depend, as well as for their additional limitations.

For all of the above reasons, this application is believed to be in condition for allowance and such action is respectfully requested.

If it would advance the prosecution of this application, the Examiner is cordially invited to contact Applicant's representative at the below listed telephone number

Respectfully submitted,

  
Jeff Rothenberg  
Attorney for Applicant  
Registration No.: 26,426

Dated: 6/10/05

HESLIN ROTHENBERG FARLEY & MESITI P.C.  
5 Columbia Circle  
Albany, New York 12203-5160  
Telephone: (518) 452-5600  
Facsimile: (518) 452-5579  
E-mail: jr@hrfmlaw.com